



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,290	02/05/2004	Mark G. Ketcham	352-153	8481

2574 7590 09/09/2004

JENNER & BLOCK, LLP
ONE IBM PLAZA
CHICAGO, IL 60611

EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,290

Applicant(s)

KETCHAM ET AL.

Examiner

Eric K Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-17 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-28-04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims objected to because of the following informalities: In claim 12, line 1, “a” should be inserted before “top surface”. In line 1 of claims 13 and 14, “a” should be inserted before “cross-section”. Appropriate correction is required.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,324,082 to McNaughton in view of U.S. patent 5,161,832 to McNaughton. McNaughton '082 discloses the claimed device with figure 2 illustrating a female connector

body 24 having a radial rim surface, a plastic retainer 30 and a male member 22 having an upset portion 34. The retainer includes a cylindrical ring 38 and two equally spaced locking members extending from the ring. The locking members are detached from each other at the second end and each include two columns, a beam connecting the two columns and an arm extending from the beam. The arm as shown in figure 6 includes two abutment surfaces engaging between the radially rim surface of the housing and the bead 34 of the male member. The McNaughton '082 patent coupling differs from the claimed invention in that only two locking members are proposed whereas the present invention requires four. The McNaughton '832 patent discloses that it is known in the art in a similar type coupling to provide four locking members on a retainer and further makes is known on column 1, lines 5-25 that it is desirable to increase the number of arms which abut the upset portion of the tube". It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate four locking members on the retainer of McNaughton '082 instead of two as taught by McNaughton '832, in order to provide a more secure coupling for the inserted tube due to the increased force required to cause the retainer to fail and allow the tube to be removed all provided by the added engagement area of the extra locking members. As to claim 2, the McNaughton patent also discloses on column 3, lines 30-35 of making the retainer from polyketone. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the McNaughton '082 retainer from polyketone as taught by McNaughton '832, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. As to claim 11, it appears from the drawings of McNaughton '082 that portions of the arms

Art Unit: 3679

are directly connected to the column since there is no structural distinction or limits defining the beginning or ends of the arms or beam portions. As to claims 12-14 the notch and its shape can be seen in the retainer as shown in figure 2 of McNaughton '082. As to claims 15 and 16, while the McNaughton '082 coupling does not disclose threads or a hex-shaped outer surface on the female body, such features are old and well known as exemplified by McNaughton '832 in figure 1 where the female body member includes threads and a hex-shaped outer surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the McNaughton '082 female body with threads in place of barbs and provide a hex-shaped outer surface for tool engagement as needed as taught by McNaughton '832 since such features are readily recognized equivalents to persons having ordinary skill in the art and as such do not patentably distinguish over the prior art.

Claims 7-10 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent 5,324,082 to McNaughton in view of U.S. patent 5,161,832 to McNaughton as applied to claims 1,2,11-16 above, and further in view of U.S. patent 6,517,118 to Kato et al.. As noted above the McNaughton '082 and '832 combination discloses the features of the claimed device however with respect to claims 7-10 the female body member does not include a groove with two shoulders extending radially to accommodate the o-ring 42 or 44. While retaining grooves for o-rings are considered notoriously well known, the Kato et al. patent discloses that it is known in the art in a *similar* type coupling to provide the o-ring 9 in a groove having two shoulders extending radially. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the female body member of McNaughton '082 with an o-

ring retaining groove as taught by Kato et al., in order to guarantee proper sealing due to the right placement of the o-ring in the female body without concern of the o-ring falling out of the open end of the female body member.

Claim 17 is rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent 5,324,082 to McNaughton in view of U.S. patent 5,161,832 to McNaughton as applied to claims 1,2,11-16 above, and further in view of U.S. patent 6,279,966 to Kando et al. As noted above the McNaughton '082 and '832 combination discloses the features of the claimed device however with respect to claim 17 the male upset member does not include a Nylon coating. The Kondo et al. patent discloses that it is known in the art in a *similar* type coupling to provide the male upset portion P' (fig. 9) with a resin coating P₁ which can be made of Nylon (column 3, lines 35-50) in order to protect the male tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the male upset member of McNaughton '082 with a Nylon coating as taught by Kondo et al. in order to protect the male member from damage.

Allowable Subject Matter

Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the **Ketcham** '994 retainer (column 4, lines 20-25) is also made of polyketone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

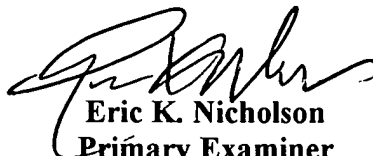
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Application/Control Number: 10/774,290
Art Unit: 3679

Page 7

ekn
W@H
9/5/2004



Eric K. Nicholson
Primary Examiner
Technology Center 3600